

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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08 MJ0708
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Jose ARELLANO-Lopez

Defendant.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF DEPUTY

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **March 5, 2008**, within the Southern District of California, defendant **Juan Jose ARELLANO-Lopez**, an alien, who previously had been excluded, deported or removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 6th DAY OF
MARCH, 2008.


 UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On March 5, 2008, at approximately 02:09 AM, a male individual identified as **Juan Jose ARELLANO-Lopez (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry vehicle entrance as a passenger in a vehicle driven by Jose Gonzalez-Cardenas. Defendant presented Permanent Resident Card (Form I-551) bearing his true name and photo as his entry document. The CBP officer received a computer generated referral. The vehicle and its occupants were subsequently escorted to secondary for further investigation.

In secondary, a CBP officer queried Defendant's fingerprints and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a citizen of Mexico and a previously deported alien. Defendant's identity was further verified using the Integrated Automated Fingerprint Identification System (IAFIS).

Queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant to be a citizen of Mexico without legal documents to enter the United States. Further CIS and DACS queries found that Defendant was ordered deported from the United States by an Immigration Judge on or about February 20, 2008. Immigration service records also indicated no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.